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Date: August 31, 2006

To: Examiner Robin Doan – Group Art Unit 3732
Commissioner for Patents
Alexandria, VA 22313-1450

Fax: 571 273-4711 (2 pages)

From: Edwin H. Keusey

Re: U.S.S.N. 10/820,398 filed April 8, 2004 – Atty Docket: 268-4

Number of pages including cover sheet: 2

Dear Examiner Doan:

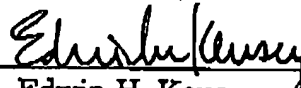
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I hereby certify that this correspondence is being transmitted via facsimile to Examiner Robin Doan at Art Unit 3732 to fax number (571) 273-4711 and addressed to:

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on Aug. 31, 2006


Edwin H. Keusey

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PTO/SB/28 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
268-4

In re Application of: KOKI FUKUYAMA

Application No.: 10/820,398

Filed: APRIL 8, 2004

For: HAIR-TRANSPLANTING APPARATUS AND METHOD AND RESULTING HAIR-TRANSPLANTED PIECE

The owner*, PROPIA CO., LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,448,634 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 34,361

Edwin H. Keusey
Signature

Aug. 31, 2006
Date

Edwin H. Keusey

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